

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RICHARD LEE KINCAID, ET AL.,)	
)	
Plaintiffs,)	
)	
vs.)	NO. CIV-08-0593-HE
)	
JOHNNY MANN, ET AL.,)	
)	
Defendants.)	

ORDER


Plaintiffs Richard Lee Kincaid and Paul Thompson, state prisoners appearing *pro se* jointly instituted this 42 U.S.C. § 1983 action on June 6, 2008. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Gary M. Purcell. The magistrate judge determined that Plaintiff Kincaid's *in forma pauperis* motion did not contain required information. Plaintiff Kincaid was ordered to cure the deficiencies by June 30, 2008, and was subsequently granted two extensions to comply by the magistrate judge's order. Plaintiff Kincaid has failed to comply with the court and cure the deficiencies.

Because Plaintiff Kincaid has not complied with the court's order, the magistrate judge recommends the action's dismissal with respect to Plaintiff Kincaid. Plaintiff Kincaid failed to object to the Report and Recommendation and thus waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a).

Accordingly, the court adopts the Report and Recommendation, and **DISMISSES** the action as to Plaintiff Kincaid without prejudice to refiling. Judgment will be entered upon a final determination of pending claims asserted by other parties. FED. R. CIV. P. 54(b).

IT IS SO ORDERED.

Dated this 17th day of September, 2008.



JOE HEATON
UNITED STATES DISTRICT JUDGE